

Bayshore Home Health Conference

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Auto Insurance and Attendant Care

Presented by:

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WHAT IS A TORT?

Any personal injury caused to a person that is compensable in our Courts.

EXAMPLE CAUSES OF TORTS

- Auto Accidents
- Slip and Falls
- Fire Loss
- Assaults
- Tavern Liability
- Hospital/Physician/Health Care Professional Liability

TYPES OF TORT LOSSES

- Pain and Suffering
- Loss of Income
- Loss of Earning Capacity
- Loss of Competitive Advantage
- Lost working years
- All Medical Rehabilitation and Attendant Care Needs, past and future
- Family Law Act Claims for Change in Relationship
- Family Law Act Claims for Lost Income or Expenses
- Loss of Amenities
- Dependency Claims (fatalities)
- Out of Pocket Expenses

GOAL OF TORT LAW

To return the injured person to the position in which he/she would have been had the accident not occurred as far as financial compensation may.

CAUSATION IN TORT

An accident has “caused” a damage if the accident is a “significant” contributor to the loss or damage.

Thin Skull

Crumbling Skull

INSURANCE BENEFITS

- Group Policy of Insurance
- Disability Insurance
- CPP Disability
- ODSP Disability
- Accidental Dismemberment Policy
- Critical Illness Benefits
- Auto Insurance Benefits

AUTO INSURANCE BENEFITS

Statutory Accident Benefits Schedule

Types of Benefits:

- Income Replacement/Non-Earner/Caregiver Benefits
- Medical Benefits
- Attendant Care Benefits - Case Manager Services
- Lost Educational Expenses
- Visitor Expenses
- Housekeeping Expenses
- Death and Funeral Benefits
- Catastrophic Impairment Benefits

MEDICAL BENEFITS INCLUDE (Section 15)

Question: Which of the following are not included as medical benefits?

- Chiropractor
- Nursing
- Occupational Therapy
- Medication
- Transportation
- Orthotics

REHABILITATION BENEFITS

“All Expenses that are reasonable and necessary for the purpose of reducing or eliminating the effects of any disability resulting from the impairment or to facilitate the persons re-integration into his or her family, the rest of society and the labour market”.

Vehicle Modification
Home Modification
Vocational Training
Employment Counselling

Financial Counselling
Life Skills Training
Family Counselling
Transportation

TOTAL MEDICAL REHABILITATION LIMITS

\$50,000.00 if non CAT including assessment expenses

\$1,000,000.00 if CAT or if you buy optional benefits

CASE MANAGER SERVICES

Only available for Catastrophic Injuries

ATTENDANT CARE BENEFITS

Maximum of \$3,000.00 per month until \$36,000.00 (non-cat) \$1,000,000.00 if Catastrophic Impairment of if you buy optional benefits.

LOST EDUCATIONAL EXPENSES

Up to \$15,000.00 if unable to continue in program because of injuries.

HOUSEKEEPING BENEFITS

Up to \$100.00 per week

DEATH AND FUNERAL BENEFITS

\$25,000.00 to spouse

\$10,000.00 to each “dependent”

INCOME REPLACEMENT BENEFITS

Maximum of \$400.00 per week - %70 of gross income

Non-Earner expenses after six months maximum of \$185.00 per week unless student. If student, maximum of \$320.00 per week after two years.

CAREGIVER BENEFITS

If catastrophically impaired - \$250.00 for first dependent, plus \$50.00 for each additional dependent.

OPTIONAL COVERAGE

For approximately *\$74.00, a family can purchase catastrophic coverage for medical rehabilitation and attendant care coverage.

PROCESS FOR CLAIMING BENEFITS

1. Accident Benefit Application
2. Disability Certificate
3. Activities of Normal Daily Living
4. Treatment and Assessment Plan
5. Form 1

PROCESS FOR USING FORM 1's

Call Adjuster to ask permission to do assessment. If adjuster agrees, confirm in writing and ask adjuster to confirm in writing. Amount available up to \$2,000.00 for attendant care assessment.

COMPLETING THE FORM 1

Assess all needs for attendant care required as result of the automobile accident.

Must be Occupational Therapist or Registered Nurse.

LEVEL I - ATTENDANT CARE

To determine if additional minutes should be specified for attendant care required as a result of the accident ask the question:

Is the claimant unable or does the claimant take longer to perform the activities listed as a result of the injuries incurred in the accident?

LEVEL II - ATTENDANT CARE - BASIC SUPERVISORY FUNCTIONS

Hygiene - example

Ensure comfort, safety and security in this environment.

BASIC LEVEL II - ATTENDANT CARE

Basic Supervisory Care

- Tubes may detach
- “Applicant lacks the ability to independently get in and out of a wheel chair or to be self-sufficient in an emergency”.
- Applicant lacks the ability to respond to emergency or needs custodial care due to changes in behaviour.

BASIC LEVEL II - ATTENDANT CARE

QUESTION: Injured Person is in hospital , do I assess Level II attendant care even though the hospital is supervising?

ANSWER: Yes - see preamble to form “attendant care required by the Applicant as a result of the automobile accident”.

QUESTION: Injured Person is a child, do I subtract the time that the child would have ordinarily been spending with the parent anyways?

ANSWER: No, e.g. A brain injured three year old may not be left alone for ten seconds. A non-brain injured three year old can be left alone for two to three minutes - OSOT Resource for Reflective Practice.

ATTENDANT CARE FOR CLIENTS WITH ORTHOPAEDIC INJURIES

QUESTION: If person takes longer to get out of their home in an emergency because of their injuries, do they require twenty-four hour attendant care?

ANSWER: Yes, if having an attendant there will enable them to get out of the home in a faster and more safe manner than without.

LEVEL III - ATTENDANT CARE

Genitourinary tract, bowel care, tracheotomy care, ventilator care, exercise, skin care, medication, bathing, other therapy, maintenance of supplies and equipment and skilled supervisor care.

SKILLED SUPERVISORY CARE

“Applicant requires Skilled Supervisory Care for violent behaviour that may result in physical harm to themselves or to others”. Hourly rates for attendant care for accidents on or after September 1, 2010

Part I \$13.19

Part II \$10.25

Part III \$19.35

WHICH INSURER PAYS?

Rule Number 1 - The first insurance company that receives the Accident Benefit Application.

Rule Number 2:

First Your own insurer

Second Insurer of car you are in

Third Any other insurer of any other car involved in the accident

Fourth Motor Vehicle Accident Claims Fund.

LAST THING TO REMEMBER

Purchase optional coverage - Medical Rehab, attendant care, income replacement benefits.

Thank you

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